

## EXHIBIT D

1771 Law “... to prevent trespassing with Guns”  
[original enrolled law]

Burlington December 21<sup>st</sup> 1771 I assent to this Bill enacting the same and order  
it to be enrolled.

W<sup>m</sup> Franklin

An Act for the Preservation of Deer  
and other Game, and to prevent trespassing  
with Guns.

December 9, 1771. This Bill, being read  
with the Councils Amendments, having  
been read and compared in the House of  
Representatives, is passed.

Rich<sup>d</sup> Smith Clerk

P. 1  
P. 2



I hereby certify that the foregoing is a true copy  
of the original record on file in the New Jersey  
State Archives, Department of State.

Joseph R. Klett

Address;  
New Jersey State Archives  
P.O. Box 307  
225 West State St.  
Trenton, N.J. 08625

Joseph R. Klett  
Executive Director  
N. J. State Archives



Burlington December 28<sup>th</sup> 1771 I assent to this Bill, enacting the same and order  
it to be enrolled.

J<sup>m</sup> Franklin

An Act for the Preservation of Deer  
and other Game and to prevent the selling  
with Guns.

December 9. 1771. This Bill, being read  
with the Council's Amendments, having  
been read and compared in the House of  
Representatives, is passed.

Rich<sup>d</sup>. Smith Clerk

P. 1

151



*An Act for the Preservation of Deer and other Game, and to prevent Trespassing with Guns. —*

1. *Whereas* the Laws heretofore passed in this Colony for the Preservation of Deer and other Game, and to prevent trespassing with Guns, Traps, and Dogs, have by Experience been found insufficient to answer the Salutary purposes thereby intended. Therefore,
2. *Be it Enacted* By the Governor, Council, and General Assembly of this Colony of New Jersey And it is hereby Enacted by the Authority of the same. That if any Person or Persons shall presume at any time after the Publication hereof to carry any Gun on any Lands not his own, and for which the Owner pays Taxes, or is in his lawful Possession, unless he hath Licence or Permission in writing from the Owner or Owners or Legal Possessor, every such Person so offending, and convicted thereof either upon the View of any Justice of the Peace within this Colony, or by the Oath or Affirmation of One or more Witnesses before any Justice of the Peace of either of the Counties, Cities, or Towns Corporate of this Colony in which the Offender or Offenders may be taken or reside, He, she, or they shall for every such Offence, forfeit and pay to the Owner of the Soil or his Tenant in possession, the Sum of Forty Shillings, with Costs of Suit, which Forfeiture shall and may be sued for and recovered by the Owner of the Soil or Tenant in Possession, before any Justice of the Peace in this Colony, for the use of such Owner or Tenant in Possession.
3. *And Be it Enacted* by the Authority aforesaid. That if any Person shall presume at any time after the Publication of this Act, to hunt or watch for Deer with a Gun, or set in any Dog or Dogs to drive Deer or any other Game, on any Lands, not his own, and for which the Owner or Possessor pays Taxes, or is in his Lawful Possession, unless he hath Licence or Permission in Writing from such Owner or Owners, or Legal Possessor, every such person so offending and being convicted thereof in manner aforesaid, shall, for every such Offence forfeit and pay to the Owner of the Soil or Tenant in Possession, the Sum of Forty Shillings, with Costs of Suit, provided that nothing herein contained shall be construed to extend to prevent any Person carrying a Gun upon the Kings Highway in this Colony.
4. *And Be it further Enacted* By the Authority aforesaid, That if the Person or Persons offending against this Act be Non Residents of this Colony, He or they, shall forfeit and pay for every such Offence, Five Pounds, and shall forfeit his or their Gun or Guns to any Person or Persons who shall inform and prosecute the same to Effect, before any Justice of the Peace, in any County of this Colony, wherein the Offender or Offenders may be taken or apprehended.
5. *And Be it Enacted* by the Authority aforesaid. That if any Person or Persons, shall kill, destroy, hunt or take any Doe, Buck, Fawn, or any sort of Deer whatsoever at any other Time or Season, except only between the First day of September, and the first day of January yearly and every Year, He, she, or they so offending, shall forfeit and pay the Sum of Forty Shillings for each and every Offence to be sued for, recovered, and applied as hereafter is directed.
6. *And for the better and more effectual Convicting of Offenders against this Act, Be it Enacted* by the Authority aforesaid, That any and every Person or Persons in whose Custody shall be found, or who shall expose to Sale any Green Deer Skins, or fresh Venison, killed at any Time, after the First Day of January, and before the first day of September aforesaid, and shall be thereof convicted by the Oath or Affirmation of one or more credible Witnesses, shall be deemed Guilty of offending against this Act and be subjected to the Penalties of killing Deer out of Season.
7. *And Whereas* great Numbers of idle and disorderly Persons make a Practice of Hunting on the Waste and unimproved Lands in this Colony, whereby their Families are neglected, and the Public



Public is prejudiced by the Loss of their Labowr, Be it therefore Enacted by the Authority aforesaid, That from and after the first day of January next, no Person or Persons whatsoever (except such Persons as are by the Lawes of this Colony qualified to Vote for Representatives in General Assembly, in Right of their Freeholds, and their Sons, being of the Age of Eighteen Years, or upwards, and living with their Parent or Parents, or being Freeholders) shall on any Pretence whatever hunt on the Waste and unimproved Lands in this Colony, And if any Person or Persons not qualified as aforesaid shall presume to hunt as aforesaid, He or they so offending shall forfeit and pay for every such Offence the Sum of Twenty Shillings to be recovered by Action of Debt with Costs, by any Person who shall sue for the same, to be applied, one half to the Prosecutor, and the other half to the use of the Poor, of the Township or Precinct where the Fact was committed.

8. And Be it Enacted By the Authority aforesaid, That if any Person or Persons within this Colony, shall set any Trap, or other Device whatsoever, larger than what is usually and commonly set for Foxes and Musk Rats, such Person setting such Trap or other Device, shall pay the Sum of Five pounds, and forfeit the Trap or other Device, shall suffer Three Months Imprisonment, and shall also be liable to make good all Damages any Person shall sustain by setting such Trap or other Device, and the Owner of such Trap or other Device, or Person to whom it was lent, shall be deemed the setter thereof, unless it shall be proved on Oath or Affirmation what other Person set the same, or that such Trap or other Device was lost by said Owner or Person to whom it was lent and absolutely out of his Power. And if the setter of the Trap or other Device be a Slave, and it be his own Voluntary Act, He shall (unless the Master or Mistress shall pay the Fine) in Lieu of such Fine, be publicly whipt with Thirty Lashes, and committed till the Costs are paid, And that the said Trap or other Device shall be broken and destroyed in the View and presence of the Justice of the Peace before whom they are brought, And if any Person or Persons shall have Possession of, or there shall be found in his or their House, any Trap or Traps, Device or Devices, whatsoever, for taking of Deer; such Person or Persons shall be subjected to the same Penalty, as if he or they were convicted of setting such Trap or Traps or other Device.

9. And for encouraging the Destruction of such Traps and Devices, Be it Enacted by the Authority aforesaid, That if any Person shall seize any Trap or other Device for the taking Deer and shall carry such Trap or Device to any Magistrate of the County where such Trap or Device was seized, such Person shall be intituled to an Order from the said Magistrate to the Collector of such County to pay him the Sum of Ten Shillings out of any Money in his Hands raised for the use of the County, which Sum shall be allowed to such Collector on the Settlement of his Accounts.

10. And Be it further Enacted By the Authority aforesaid, That every Smith, or other Artificer, who shall hereafter make or mend any such Trap or other Device aforesaid, He shall forfeit and pay the Sum of Forty Shillings, And the Person carrying such Trap or other Device to the Artificer aforesaid, shall forfeit and pay the Sum of Twenty Shillings, And every Person who shall bring into this Colony any such Trap or Device as aforesaid, shall forfeit and pay the Sum of Forty Shillings, And if the Person who shall carry the same to the Smith or Artificer shall be so poor as that he shall not be able to pay the Forfeiture aforesaid, He shall be committed to the Common Goal until he shall prove who is Owner of such Trap or Device, or who delivered the same to him, and in such Case the forfeiture aforesaid shall be levied on the Goods, or in failure of Goods, on the Body of the Owner of such Trap or Device, or the person who delivered the same to the Pauper, and the Trap or Device shall be forfeited and destroyed.

11. And Whereas a most dangerous Method of setting Guns had too much prevailed in this Province, Be it Enacted By the Authority aforesaid, That if any Person or Persons within this Colony shall presume to set any loaded Gun in such Manner as that the same shall be intended to go off or discharge itself, or be discharged by any String, Rope, or other Contrivance, such Person or Persons



Persons shall forfeit and pay the Sum of Six pounds, and on Non payment thereof, shall be committed to the Common Goal of the County for Six Months.

12. And Be it further Enacted by the Authority aforesaid, That the Fines and Forfeitures in this Act expressed, and not particularly appropriated shall be paid, One half to the Prosecutor, and the other half to and for the use of the Poor of the Town, Precinct, or District where the Offence is committed And that the Execution of this Act, and every part thereof, shall be within the Cognizance and Jurisdiction of any one Magistrate, or Justice of the Peace, without any Reference to the Act for Tryal of small Causes in this Colony.

13. And Be it Enacted, That nothing in this Law shall be construed to extend to restrain the Owners of Parks, or of Game Deer, from Killing, Hunting, or Driving their own Deer.

14. And Be it also Enacted By the Authority aforesaid, That if any Justice of the Peace or other Magistrate within this Province shall have Information of any Person offending against this Act, in killing Deer out of Season, setting and making Traps, Non Residents killing Deer, and persons setting of Guns, and shall not prosecute the same to Effect, within Two Months after such Information, He shall forfeit and pay the Sum or Sums to which the Offender against this Act would have been liable,

15. And Be it Enacted By the Authority aforesaid, That the Justices at every Quarter Sessions of the Peace, shall cause this Act to be publicly read, And given in charge to the Grand Jury to particularly enquire, and present all persons for killing Deer out of Season, setting or making Traps, and all Non Residents killing, destroying, Hunting and taking any sort of Deer, and all persons setting of Guns and upon Conviction for either of the said Offences, the said Justices shall set and impose the Fines and Penalties, herein before mentioned, with Costs of Suit.

16. And Be it Enacted By the Authority aforesaid That if any Person or Persons whatsoever whether the Accused or Accuser, Plaintiff, or Defendant, shall think themselves aggrieved by any of the Judgments, given by the said Justices, or other, Magistrates, for any Suit commenced by Virtue of this Act then, it shall and may be lawful for such Person or Persons to appeal (on giving sufficient Security for the Forfeitures and Costs) to the next Court of General Quarter Sessions held for such County where such Judgment shall be given, which Court is hereby empowered to hear and determine all and every such Appeal or Appeals.

17. And Be it Enacted By the Authority aforesaid, That if any Person or Persons within this Colony, shall, after the Publication of this Act, watch with a Gun on any uninclosed Land within Two hundred yards of any Road or Path, in the Night time, whether the said Road is laid out by Law or not, or shall stand or station him or themselves upon, or within Two hundred Yards of any Road as aforesaid, for shooting at Deer, driven by Dogs, He or they so offending shall on Conviction, forfeit and pay the Sum of Two pounds, for every such Offence, to be recovered by Action of Debt, or presentment of the Grand Jury as aforesaid, and pay all Damages.

18. Provided Always, That the Seventh Section of this Act shall not be construed to affect any Native Indian, and that nothing in this Act shall be construed to prevent the Inhabitants of Essex, Bergen, Morris and Sussex from making, having in their Houses, or setting Traps of Five pounds weight or more, For Bears, Wolves, Foxes, or any other Wild Beasts, Deer only excepted.

19. And Be it further Enacted By the Authority aforesaid, That all former Laws made in this Colony for the Preservation of Deer and other Game, and to prevent trespassing with Guns and regulating the Size of Traps, shall be, and they are hereby repealed.

November 9<sup>th</sup> 1771. This Bill being read, with the Councils Amendments, having been read & compared in Council, Resolved That the same do pass.

By Order of the House, Charles D. Sp.

December 9<sup>th</sup> 1771. This Bill, being read with the Councils Amendments, having been read and compared in the House of Representatives, Resolved, That the same do pass. By Order of the House, Stephen Crane Speaker